

Brad T. Summers, OSB #91111
Email: tsummers@balljanik.com
David W. Criswell, OSB #92593
Email: dcriswell@balljanik.com
BALL JANIK LLP
101 SW Main St. #1100
Portland, OR 97204
Phone: (503) 228-2525
Fax: (503) 226-3910
Attorneys for Amy Mitchell,
Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF OREGON**

In re:

GKPS, Inc.,

Debtor.

Case No. 04-34670-tmb7

Amy Mitchell, Trustee,

Plaintiffs,

vs.

Nursefinders, Inc.,

Defendant.

Adversary Proceeding No. 07-03016-tmb

COMPLAINT
(Preferential Transfer)

Amy Mitchell (“Mitchell”), Trustee for the Chapter 7 bankruptcy estate of GKPS, Inc. (“GKPS”), (“Plaintiff”) alleges:

JURISDICTION AND VENUE

1. On May 7, 2004, GKPS filed a voluntary Chapter 11 petition.
2. On January 27, 2006, the Chapter 11 case of GKPS was converted to Chapter 7, and Mitchell was appointed Trustee.

3. This is a core proceeding over which this Court has jurisdiction and venue under 28 U.S.C. §§ 157, 1334 and 1409. The matters in controversy arise under 11 U.S.C. §§ 547 and 550.

COMMON ALLEGATIONS

4. Defendant Nursefinders, Inc. ("Defendant") is a Texas corporation.
5. On information and belief, Defendant received not less than \$63,738.69 ("Transfers") in payments within the period of 90 days prior to the May 7, 2004 petition date.

CLAIM FOR RELIEF (Preferential Transfer Under 11 U.S.C. § 547)

6. Plaintiff realleges paragraphs 1 through 5 above.
7. Defendant was a creditor of GKPS pursuant to 11 U.S.C. § 101(10).
8. Plaintiff is entitled to avoid the Transfers because they were transfers of property of GKPS made:
a. To or for the benefit of a creditor;
b. For or on account of an antecedent debt owed by GKPS before such transfers were made;
c. While GKPS was insolvent;
d. On or within 90 days before the date of the filing of the petition of GKPS;
e. That enabled such creditor to receive more than such creditor would receive if the case were a case under Chapter 7 of the Bankruptcy Code, the transfers has not been made, and such creditor received payment of such debt to the extent provided by the Bankruptcy Code.

9. Plaintiff is entitled to avoid the Transfers and to recover the value of the property transferred pursuant to 11 U.S.C. § 550(a).

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. Adjudging that the Transfers are avoided under Section 547 for a judgment in the amount of the value of \$63,738.69 or such other amount as may be proven at trial;
2. Awarding Plaintiff its costs and disbursements herein plus prejudgment interest commencing on January 25, 2007; and
3. For such other relief as the Court deems just and proper.

DATED this 26th day of January, 2007.

BALL JANIK LLP

By: /s/ David W. Criswell
Brad T. Summers, OSB #91111
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Attorneys for Amy Mitchell,
Chapter 7 Trustee